f ĂƬ ùǇdž!f Ƚù ǊǖǨǂ!f ƱƧT ƻ ǐPǩ Ĭ ǐƵ ƘǊǍǒ ƥlƶ!f ǇǕ̆ƱǊ Ǉǅ ǖǈǊ lƧǖTǕ̄f ƧƥƞǩĂ

Ŏù5 ǈǒǐƵ f ĂƬ Ǉdž!f YfƥǒǕ̆f ƱƧT ƻ ǐPǩ Ĭ ǐƵ ǇǕ̆ƱǊ!f ƘǊǍǒ ǕĂ (2) lƥǖdž!f Ŏ5 ǈǒǐƵ

.ǗǇĂǇǖp ƧƧldž!f ŎƑǖǇƞ!f Ƈfƨƞ!ǖǊ Ƚ5!ǖPdž!f ǇƦǈ Ĭ ǐƵ ȽǊĂlƶ!f ƧƬǩlǩĂ (39) lƥǖdž!f

1. 3 ƨ ĭƥyȽǁǁ ƱƐƦǆǁǁƑǖ Ĭ ǁǁƑDžyǁǁ Ĭ YƑDžǗǁǁ ǇƦĩĩDžȽǈ DžY ƱƐƦǆǁǁ ăǢƥƻǁǁ

ǇùDž ǖǇ! Ĭ ǇȠǩǒ! ǈǩǒǈǖDž ǇǖǒǊĂ ŎƵǖdžƞ!f Ŏ!ǖdžƶ!f YfƨǇ!ǖǊ ƥĂƬldž!f Ƣǒ ư Ăǩ ýĂǖǇǩǇȠ

: ĭƥƧ5!f YfƨǇ!f ǇƵ ŎƵǖdžƞ!f YfƨǇ!f ƨǒǒdžǩ yǒƱǩȠǇ ǇǅǁǁǁƦ ƥƶǊ

1. 3. 1 ƨ ĭƥyȽǁǁ ƱƐƦǆǁǁƑǖ Ĭ ǁǁƑDžyǁǁ Ĭ YƑDžǗǁǁ :-

ǇĂǇǖùp f Ǉ Ĭ!ǫ YĂƞƧ!f ǖǇǒǐƵ Ɣƞǒ ŎƵǖdžƞ!f Ŏ!ǖdžƶ!f YfƨǇ!f ƻǒƧƶǩ ǖǇƥƧǅ fƦǫ

Ŏ!ǖùdžƶ!f Yfƨ ùǇǐ! ýdžǖTù!f ƻ ùǒƧƶǩ!f Ĭ ǐƵ (2) lƥǖdž!f ǈǒ5 ƘƬǇ Ƚ ǒơ ŎǇƥƧǕ̄f ýdžƶ!f

ǇùdžýǖdžƶȽǖǊlǇ ĂǅýǖdžƶȽƵĂdžƞdžǇǒǊǆTǇǒƻǕ̆P ýȽ)) ǈǇǅ ĬǐƵ ƘƥȽǆ5 ǕŎƵǖdžƞ!f

ýǖdžƵǕ̄f Ɣǖơ ƬǅȽǊǖlǇ Ăǅ ýdžƵ Ɣơǖ Ƭ ǇǒǊĂ Ƚǌƞ Ǉdž ȽǊǖlǇ Ăǅ ýdžƵ Ɣơǖ Ƭ ǇǒǊĂ Ƚǌƞ

ýǖùdžƶ!f ƻĂƧǙǊ ȿǐƶǩǒ Ăǅ ǇƧǒȠ5ǩ Ăǅ ŎƵǖdžƞ!f ýdžƶ!f ƥlƵ ȿǒǊƱǩ ýĂơ ăƧPǅ Ƚǌƞ Ǉdž

ýdžƶ!f ƥlƵ ƱĂƧT ȿǒǊƱǩ Ăǅ Ʀǒ5Ǉǩ ýĂơ Ŏ!ǖdžƶ!f YfƨǇ!f ǇĂȽǒ ƔǐƸǕ̄f ĬǐƵĂ .((ǈƱĂƧTĂ

ýǩȽǩ ǇǅǈǒǗ ǁǁT Ǖ ǖdždžĂ.ýdžƶ!f ƻĂƧǙ ýĂơ Ŏ!ǖdžƵ YfƨǇ Ƚƥơǒ ǗǇǖǒơǅ ǇȽ!Ă ǕǇƧǒȠ5ǩĂǅ

ǁǁǁƦ ăƥǅ DžǌpĂlơ Ĭ ǐƵ ȽǙ5ǖơdž!fĂ Džǌơ!ǖƬdž ǇƵ Yǖ5ƥ!f Ĭ!Ăǩǩ Džǌ! ƘǖǊǖlǇ ǇǒĂȽǩĂ ýǖdžƶ!f

ǖǌǇǇĂdž ư ùdž Ŏù5 ƻ ùǐǩPǩ Ŏǩ!fĂ ȽǒƵǖdžƞ!f Ƚǒ!ǖdžƶ!f ƘǖƵfƨǇ!f Ǉdž ƥǒƥƞ YĂǇ ƧĂǌǙ Ĭ!ǫ

.Ƚǒƥƨ5!f ƘǖƵfƨǇ!f ǇƵ ǖǌǩǒĂȠǩ ýƑǖȠĂĂ ǖǌǐȽTĂ

lƥùǒƥƞ ƘǖǊȠùǩȽdž ƥǖƞǒǫĂ Ǖýdžƶ!f ƻĂƧǙ ǇǒȠơǩ! ǗdžƑfƥ Ƚ ƥơǩ Ƚǒ!ǖdžƶ!f ƘǖƵfƨǇ!ǖ5

ýǖùƞdž!f YƸTùǆ!f Ĭ lǊǆ5 Ǖýǖdžƶ!f ȿĂlơ Ǉdž ǖǒǇƥ!f ƥĂƥơ!f Ǉdž ư ǩ ǇĂǇǖl!f ǇǅƦǫ Ǖýdžǖƶǐ!

lǖùǒơ Ŏù5 Ƙfƨǒǯǩdž!fĂ lƥƞǩȠdž!f ƻĂƧǙ!f ŎƵfƧǩ lƥǒƥƞ ƘǖǒpǖǇǩf Ƹǒ Ƭ ƥǖƞǒǕ ǗơĂǩ5dž

ƥƧfĂ Ăǈ ǖdždž ý ư 5ǅ ƱĂƧT ȿǒlơǩ! Ŏƶ Ƞ!f ǖǌǇƵ ǈǩǇǒ ǕȽǒƵǖdžǩƞǕ̆fĂ ȽǒƥǖƬǩpǕ̆f ǇǖȠǇǕf

Ĭ ù!ǫ ǗlǊǖȠ ǖǇ5ǐȠǅ ǖdžȽĂ.ŎƵǖdžƞ ýdžƵ ƥlƵ Ŏ5 Ĭǩơ Ăǅ ĭƥƧ5!f ýdžƶ!f ƥlƵ Ăǅ ǇĂǇǖl!f Ŏ5

Ŏù5 ǴnjǁŏŋƔƙĂ ýdžƶ!ƒ lƧƒƨĂ ăþ! þlƶ!ƒ LJdž ŧƤƔǉ Yƒþŏǟǚ þlƶ!ƒ Ǵ5ƧƱ DžĂlŏ LJD ǁ!Ʀ ŎǉƶŏĂ

Ĭ!ǫ lƧǴTŰƒ Ƨþŋƙ NJǉƒ Ǚǫ ÜNlƶŏpĂƙ ƣŏƧǴƙ LJdž ƧnjT ǴNjǴƮpD lþdž ýǚƤ ǁ!ƦĂ ƒ ǴƤ ýŋƔ

lƧƒƨĂ ăþù! NJǁŏŋƔùƙĂ ŎƵǴdžŋ!ƒ ýdžƶ!ƒ þlƵ LJdž ŧƤƔǉ Yƒþŏǟǚ þlƶ!ƒ Ǵ5ƧƱ DžǴŏp DžþƵ LJD

Ǵƒƨùŋǁ! ŧưƧƵ ǉǴ5ƧƱ ǁ!Ʀ ýƶŋŏ ǴdžǉǫĂ ǴlǁƱdž Ǵǉǚ Ʊǚ þlƶ!ƒ LJǚƱǚ Ĭ!ǫ ĭþƋŏ Ǚ ýdžƶ!ƒ

ŧùŏǁƵ Ƙþù ŧD Ǵùdž ƒƦNjĂ Üýdžƶ!ƒ LJĂǉǴp ƒ ĂƮǉ LJdž ƒ ǉ ĭD ŧ5!ǴƤdž! ƧƧldž!ƒ [1]ŎƑǴǉŋ!ƒ

LJùƵ þŏƨƙ Ǚ Ă ƧǴǉŏþ 50 LJƵ ýlŏ Ǚ Ǵdžǚ ŧdžƒƧƺ!Ǵǚ ŧǚĂlƶ!ƒ Ƙþþơ Ŏƙ!ƒĂ **(139)** ƔƣƑDžǁɛ

.[2]NJƮĂƮǉ ŧ5!ǴƤdž! ŧŋŏƙǉ ƧǴǉŏþ 100

ƱƧùT Ĭǁ ƶ þŧD ŎǉþƧǕƒ YƵTdž!ƒ LJD LJdž DžƩƧ!ǴǚĂ NJǉD Ĭǁ Ƶ NJŏĂǉƙ!ƒĂ þŏŧƋƙ!ƒ ƔŋŏĂ

ĂD ǴùǉŏƶdžǙ ǚ ŧùT ƱƧƙTŏ Dž! NJǉD Ǚǫ ǴŏƱƤ ŎƵǴdžŋ!ƒ ýdžƶ!ƒ þlƵ ƽŏƛĂƙ lƧĂƧưĂ ŧǚǴƙŧ!ƒ

LJùdž NJŏ!ǫ ýƮĂƙ Ǵdž þlƶ!ƒ ŧlŏƛĂ LJdžưƙƙ LJǟǚ Ĭ5ƙŧƒ ǴdžǉǫĂ ƽǴ5ƙǕƒ ŧǚǴƙŧ Ŏ5 ŧǉŏƶdž ŧƺŏƮ

. ǁ!Ʀǚ LJŏ!ĂƤdž!ƒ ƻƒƧƱǕƒ LJdž ýpĂƙ LJDĂ ƱĂƧTĂ ýĂǁơ

NJùƙǚŏþƶƙ ĂD þlƶ!ƒ ƽơǚdž Ĭǁ Ƶ ĭƧƔŏ NJǉǟ5 ÜǴlǁƱdž ǴǴŋ þp ŧǚǴƙŧ!ƒ ƱƧT LJǴŧ LJǫĂ

ƘǴơǴưŏǫ Ƙǉdžưƙ ƒƦǫ NJ! ŧŏƧŏƔ5ƙ!ƒ ƘǴpǴ5ƙǕƒ ĬǁƵĂ NJǉdž ƔǴơƔǉǕƒ ĂD NJŏ!ǫ DžǴdžưǉǕƒ ĂD

.[3]LJŏþpǴƶƙdž!ƒ lþƒƧǫ LJƵ þŏþŋ Ƨŏǚƶƙ Ĭǁ Ƶ ĭĂƱǉƙ ŧƮǴƤ

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(1) ƧþǴùƮ DžǴùǓǉ ĭD ĂD LJĂǉǴùl!ƒ ƒƦNj DžǴŧơǕ ŧ5!ǴƤdž ý ŧ) ŎǉþƧǕƒ ýdžƶ!ƒ LJĂǉǴp LJdž 139 lþǴdž!ƒ

LJùƵ þùŏƨƙ Ǚ Ă ƧǴǉŏþ 50 LJƵ ýlƙ Ǚ ŧdžƒƧƺǚ Ǵnjǚ ŧƙƧdž ƔpǴƶŏ NJŏ5 ŧǚĂlƵ Ǵnj! LJŏƶƙ Dž! ǉǴưƙldžǚ

LJĂǉǴùp Ŏ5 ǴnjŏǁƵ ƒ ĂƮǉdž!ƒ ŧǚĂlƶ!ƒ ƻ!ǴƤdž!ƒ Ĭǁ Ƶ ƯƧ5ƙ LJD ǁ!Ʀ Ŏ5 ƱƧƙTŏ Ă ƧǴǉŏþ 100

Ŏù5 ŧŏǁƵ ƒ ĂƮǉdž ĂNj Ǵdždž þTƒ NJŏ5 ŧ5!ǴƤdžǁ! lƧƧldž!ƒ ŧǚĂlƶ!ƒ ƘǉǴŧ ƒƦǫ NJǚ ýĂdžƶdž!ƒ ƘǴǚĂlƶ!ƒ

. LJĂǉǴl!ƒ ƒƦNj

(2) ÜŎǁƵ ƧdžǴƶơdž ƧdžǴƵ Üþdžơdž ƟƧT LJĂǉǴp ýdžƶ!ƒ ÜŎǉþƧǕƒ ƨŧƧdž!ƒ ŎdžĂl!ƒ ÜƧTùǉǁ! ÜþùǚƧƒ Ü1999 ƒ
.244

(3) Ü ƧƙĂlƵ ƟƧT LJĂǉǴp Üýdžƶ!ƒ ƒ .156

-: hŭǂl Ղǁɛ ơNjsyǁɛ DžDŽ Ljǆƈ (ƺĭǆFk

Ĭùkơ DžƒƧùhŰƒ Ŏ5 ƗljǒƶǆƗǒǁǂT ǍD Ɨǒ!ƈ ƥlƶ!ƒ DžƒƧhǫ ȐPkǒ LJǫ ŎljƶkƥǍlƶ!ƒ ƗǒǁǂT LJǫ

ƥƥùơǆ!ƒ ýǂTù!ƒ ƻǁPk! ƇƒƨƞǂLJűƱh!ƒ ljƧǒƮǆ LJǴǂ ŰǫǍ ƥǴlƶljŰƒ Ơǒơ Ʈ ƥlƶ!ƒ ƠhƮǒ

ƠƮùǒ! ȥƥƥùơǆ ǖǂT ƔǁƱkk Ŏk!ƒ ǎƧPǕƒ ƥǍlƶ!ƒ LJǆT ǁ!Ʀ Ŏ5 NJljǆT NJǆƒƧhŰ Ŏ5 ǄljǍljǴp

.[1]ǴNjƥǴlƶljƒ

YǍùƞƧ!ƒ Űǫ ǴljǒǁƵ Ǵǆ5 ƗǒǁǂT!ƒ ƥǍlƶ!ƒ LJǆ ŎƵǴǆƞ!ƒ ƥlƶ!ƒ LJD LJǒhlj LJD ǴljƥƧD Ǵǆ ƒȐǫǍ

ƒ ǁPkՂùlj! ǻùƵǴhk Ǵùǆnjǒǁ Ƶ ŎkǆljՂǍ (39)Ǎ (2) ƥƒǍǆ!ƒ Ŏ5 ýǆƶ!ƒ LJǍljǴp ƒ ǍƮlj Ĭ!ǫ

ĬǁƵ ÜŎƵǴǆƞ!ƒ ýǆƶ!ƒ ƥlƶ! Ǵnjɀǒƨƶk Ŏ5 ƒ ljk (2) lƥǴǆ!Ǵ5 Üƥlƶ!ƒ ƒȐNj Ŏ5 ƗǒǁǂT!ƒ ƱǍƧT!ƒ

ƔơǴù Ʈ LJǒùh ýǆƶ!ƒ ƱǍƧT ljǴưklǆh DžƱljk ŎƱP ȿǴ5kǫ)) ǍNj ŎƵǴǆƞ!ƒ ýǆƶ!ƒ ƥlƵ LJD

.((ǎƧPD Ɨnjƞ LJǆ ƗhǴlǈ!ƒ ǍD ýǴǆƵ ƗƵǍǆƞǆǍ Ɨnjƞ LJǆ ýǆƶ!ƒ ƔǴơƮD ƗhǴllj ǍD ýǆƶ!ƒ

ǍNjǍ ŎƵǴǆƞ!ƒ ƥlƶ!ƒ DžƒƧhǫ Ŏ5 ŎǁǂT ƱƧT ýǍD Ǵlj! Ơưkǒ (2) lƥǴǆ!ƒ ƒ lj ýűP LJǆ

ÜǄhǍkǂǆ ǍD ǻƱǍƱPǆ LJǍǂǒ Ű ŎƵǴǆƞ ýǆƵ ƥlƵ ƥƞǍǒ Ű NJljD Ưƨk5k Ŏnj5 ÜƗhǴkǂ!ƒ ƱƧT

.Ʊl5 ȿǴ5kƒ NJljD ĬǁƵ ƒ ljk Dž!Ǎ (ŎƱP ȿǴ5kƒ) ŎƵǴǆƞ!ƒ ýǆƶ!ƒ ƥlƵ LJD Ƙƥǂǆ5

Ƙƥùǂ D Ȑǫ ÜŎƵǴùǆƞ!ƒ ýǆƶ!ƒ ƥlƵ Ŏ5 ƗǒljǴλ!ƒ ƗǒǁǂT!ƒ ƧnjƯk Ǵnjljǆ5 (39) lƥǴǆǁ! ƗhՂlj!Ǵh ǴǆD

ǬƻùkǂkDž!Ǎ ÜýpǕƒ ĬǁƵ DžƧhǆ!ƒ ŎƵǴǆƞ!ƒ ýǆƶ!ƒ ƥlƵ LJǆ ơՂlj ƚűλ ýǆƵ lƧǍƧư ĬǁƵ

Ƨùǒƺ Ǎ [2]ƗǒǁùƮD ƚűλù!ƒ ơՂùlj!ƒ LJǍǂk LJǫ ĬǁƵ ǴưǒD Ƙƥǂ D ýh ǁ!Ʀh ƗlhǴՂ!ƒ lƥǴǆ!ƒ

[3] YƒƥùǒŰƒ ƱƧùT ǍNj lƥǴǆ!ƒ ƘƒȐ ǴnjǒǁƵ Ƙƥǂ D Ŏk!ƒ ƗǒǁǂT!ƒ ƱǍƧT!ƒ LJǆǍ ÜƗPՂljkՂǆ

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[1] 182 ƒ ÜNJkűǒƥƶk Ǎ ýǆƶ!ƒ LJǍljǴp ƟƧT Üĭ ƥǍǍƒƥ!ƒ

[2] lƥǍùƞǍǆ!ƒ yùǒpƒǍk!ƒ LJǍǂk LJD ĬǁƵ ƥǂD ŎljƥƧŰƒ YƧTǆ!ƒ LJǆ5 ƥƑǴՂ!ƒǍ NJh ýǍǆƶǆ!ƒ ƻƧƶ!ƒ ȿ5Ǎ LJǫ yùljǆǒ Ǵùǆ ƥùƞǍǒ ű5 ƥlƶ!ƒ ƒ ǍƮlj ŎpǴh ǴǆD ƗPՂljkՂǆ ƧǒƺǍ ƗǒǁƮD ƚűλ!ƒ ơՂlj!ƒ ĬǁƵ .ƗPՂljkՂǆ ǍD ƗǒǁƮD Ƨǒƺ ƘljǴǂ

[3] ýλǆ Ɨǒǆ Ղ Ƨ!ƒ lƥǒƧƞ!ƒ Ŏ5 NJkƮűP ǍD ŎƵǴǆƞ!ƒ ýǆƶ!ƒ ƥlƵ ƧTlj ƱƒƧkTƒ Ĭ!ǫ ýǍƥ!ƒ Ưƶh ƔNjȐk YƒƥùǒŰƒ lƧǍƧùư ĬùǁƵ Ƙƥùǂ D ƘǴƶǒƧTk!ƒ Ưƶh LJǫ LJǒơ Ŏ5 ĭƧƮǆ!ƒǍ ŎpƒƧƶ!ƒ YƧTǆ!ƒ .ŎljƥƧŰƒ YƧTǆ!ƒ Ǵnj!ǴλǆǍ Ɨǒǆ Ղ Ƨ!ƒ lƥǒƧƞ!ƒ Ŏ5 ljƧTlj lƧǍƧư ĬǁƵ ƥǂǆk Dž!Ǎ

[illegible] [2] [illegible] [1] [illegible]

[illegible] [3]

[illegible]

---

(1) [illegible] 296 .

(2) [illegible] 1954 [illegible] .239

(3) [illegible] .273

[illegible] [1] [illegible]

[illegible]

[illegible]

[illegible]

[illegible] 2 .1

[illegible]

(1) نائل، [illegible]، ص 620 وما بعدها.

NJǰŨ þĂlƶ!ƒ ǰŖNj ĬǁƵ ýǴǶǷŰƒ DžþƵ Ĭ!ǫ ĭþƋŏ ǴdžǆdžþIƶ!ƒ ƒŖNj ŖŏƽǰƙŎƼ ƧƒƧdžƙƪŰƒ ǇdžǶƧNj

.ǴNj ư ƧƽƙŎƙ!ƒ ƘǴdžƒƨƙ!Űƒ ǇdžƔƧNjƙ!ƒ ƗlŏƧƱ!ƒ ǰŖNjǶ ýNjƪ!ƒ Ǉdž

ýùǂ ƭĂlơ ƱƽơŰǫ ŎNj ǴdžƒǰƒŖNjǇdžƗŏǴƺ!ƒǇDǴǰ! ƧNjƱŏ ƭǶƪǴdžĬǁƵ ǅǴǰǶĂ

ǇùdžǇǴùǂǇǫĂ ÜýdžƵ ƔǴơƬDĂ ýǴdžƵ Ǉdž – ŎƵǴdžƞ!ƒ ýdžƶ!ƒ þlƵ – þlƶ!ƒ ŎƽƧƱ Ǉdž

ƻƧùƱ!ƒ NJùǰĂǂ Ĭù!ĂŰƒ ƗƞƧþ!Ǵ ýdžǴƶ!ƒ ƭĂlơ ƗŏǴdžơ! ǅǴƞ þƿ ýdžƶ!ƒ ǇĂǰǴƿǇD yƑǴT!ƒ

ƭĂlơ! ǴNjƙŏǴdžơ þǂƋƙ! ƘǅǴƞ (2\ D \ 42) ǴNjƧǂŖ ƭǶǴƪ!ƒ lƧlƽ!ƒ ǇD Űǫ þlƶ!ƒ Ŏƽ ƻƶưŰƒ

ǇŏǶǇƨƒĂƙ þǴƞŏƷǶ ǁ!ŖĂ DžNjƙǴdžƒƨƙ!ƒ Ǉdž ýƬǰƙ!ƒ ýǴdžƶ!ƒ ƯƶǶ Ɨ!ĂǴơdž Ǉdž ýdžƶ!ƒ ƔǴơƬD

.ýdžƵ ƔǴơƬDĂ ýǴdžƵ Ǉdž ǇŏƽƧƱ!ƒ ŭǂ ƗơǁƬdž

Ĭƺ ƄƑƬYƇ ƐNjǆNjlĭ !ǁ NjǁNj ĬYƑDžƜǁƐ üDžyǁƐ ƍƫY !ƑlΘŬ ǶyƬƑƍ Ƕƨ ƨDDž ăƇ üƑDžY (ƑƙǁƑƙ

:ǶǴƑƫdž ăƇ

ƧùŏƺƗùŏǰƱĂ!ƒ ƘƉTùǰdž!ƒĂ ƘǴƪƪƋdž!ƒ ýǴdžƵ Ǉdž þŏþƶ!ƒ ǇDǴǰdž þơDǇƵ Ɣŏƺŏ Ű

ýùdžƵ þùlƵ ƘùdžƧǶD þƿ ǇĂǂƙ þƿ Ŏƙ!ƒ DžNjƙǰNjdž ĂD DžNjƙƽƧơ ýƛdžƙ Ŏƙ!ƒ ƗǶǴlǰ!ƒ Ŏƽ ǅǴưƵD

ƔƪùƙǰdžǇ!ƒ Ƨŏƺ ýdžǴƶ!ƒ ƒŖNjǇǴdžƧơ ƧĂƬƙdž!ƒ Ǉdž ýNjƽ ÜƘǴƪƪƋdž!ƒ ǰŖNj þơD ydž ŎƵǴdžƞ

.!Þ NJƙƒƨŏdžĂ ŎƵǴdžƞ!ƒ ýdžƶ!ƒ þlƵ ƱĂƧT Ǉdž ƗǶǴlǰǁ!

DžD ƗǶǴlǰǁ! ǶƪƙǰdžǇǴǂ ǅƒĂƪ ýdžǴƶ!ƒ ƭĂlơ ƗŏǴdžơ ĬǁƵ ŎǰþƧŰƒ YƧTdž!ƒ ƧƬD ƒŖNj!Ă

ăþùơǫĂ ƗǶǴlǰ!ƒ ǇŏǶ ƗdžƧǶdž!ƒ ƗŏƵǴdžƞ!ƒ ýdžƶ!ƒ þĂlƵ DžǴǂơD ƭŏǶƱƙ lƧĂƧư ĬǁƵ þǂƋƽ ÜŰ

.ǴNjŏƽ ƫĂưƵ Σŏ! ǇǴǂ Ă! Ǵdžǂ ƗǶǴlǰ!ƒ Ŏƽ Ăưƶ!ƒ ýdžǴƶ!ƒ ýǴơ ǁ!ŖǶ ĭĂƙƪŏĂ ÜƘǴƪƪƋdž!ƒ

ƍNjøƫyǴ DžNjƯǴƗþĭNj ĬYƑDžƜǁƐ üDžyǁƐ ƍƫY !ƑlΘŬ ǶyƬƑƍ Ƕƨ ƨDDž ăƇ Ĭƺ üƑDžyǁƐ (ƑyǴƐþ

!ƑølΘŬƐ DžøDž !øNJǁ ƔƍøƏƑƺ üƽƇ !ǰƍNjƫY ƯNjþƪ lǆƑlNj Ƕƨ ƨDDžǁƐ ǇPǰ ƱDž ǶĭƍþƺüDžY

-:ĬYƑDžƜǁƐ ƍƫyǁƐ Ĭƺ ƔƍþƐNjǁƐ

ýùdžƶ!ƒ þĂùlƵ Ŏùƽ ŎǰþƧŰƒ YƋTdž!ƒ ǴNjǁdžT Ŏƙ!ƒ ƗƑƽ!ƒ ǰŖNj ýưĂ Ŏƽ Ǉƶdžƙ!ƒ þǰƵ

ƧǴŏƙPŰƒ ƗŏƧơ ýdžǴƶ!ƒ ǅǴƱƵǫ Ŏƽ ýdžƶ!ƒ ǇĂǰǴƿ ƒĂƬǰ! ĬdžƪŰƒ ƗdžŏlƒƱơŭǰ ŎƵǴdžƞ!ƒ

ƉþùǶdžƽ NJƙơǁƬdž ƔƪơǶ ǴdžNjǰdž YĂǰ ĭD ƧǴƙPŏĂ ÜŎƵǴdžƞ!ƒ ĂD ĭþƧƽ!ƒ ýdžƶ!ƒ þlƵ ǇŏǶ Ǵdž

ÜýdžǴƶǁ! ýưƽD ƻ!ǴPdž!ƒ ƱƧT!ƒ ǇǴǂ ýǴơ Ŏƽ NJ! ǴþƧP ƧǶƙƶŏ Ű ýdžƶ!ƒ ǇĂǰǴƿ Ŏƽ Ɨƽ!ǴPdž!ƒ

[illegible]

(1) العدوي، [illegible] 1995، [illegible] 130.

(2) نائل، [illegible] 2006، [illegible] 620.

(3) [illegible] 285.

ĭ Ʀù!ƒ ƴƪĂƙ!ƒ ǈǲƞ ǉǖƵƊ ƖƧĂǂƦǆ!ƒ ƱĂƧƬ!ƒ ƘƖƖơƙ ƴǴơ Ŏ5 ǊǇƊ ǴǉǊ ƖƧǴƬǗƒ ƧƥƞƙĂ

Ǔ ǴǉǊ ŎǌǮ ǕƥŏƥƞƥƖƵ ǅƒƧƞǫ Ĭ!ǫ ƖƧĂƧư!Ǵƞ ĭƥƌŏ Ǔ ŎƵǴǆƞ!ƒ ƥƖƶ!! ƖƥŏƥƞƧƒƧƱƊ ƴǆƬ

ǇŏƧǌƬ Ʀǉǆ ǊƞƴǆƶƐ!ƒ Ɗƥƞ ĭƦ!ƒĂ ǕǴƖƞǴƪ ǅƧƞǆ!ƒ ƥƖƶ!ƒ ƽǴƱǉ! ƴŏƪĂƙ ǂŏǆƵ ǴǌǉǉĂǂ ǇƵĂƥƶƙ

.[1]Ƨŏƥƙ ƴƥƒ Ĭ!Ƶ

ŎùǉƥƧǕƒ ƴǆƶ!ƒ ǇĂǉǴƖ! ǴƖ5Ă ŎƵǴǆƞ!ƒ ƴǆƶ!ƒ ƥƖƵ ƻƒƧƱƊ ǇƷ5 ƽƞƪ Ǵǆ ĬƵ ČǴǉƞĂ

:[2]ǅǊ

:ǅǊĭǂƬǓƐ ƹ ƐƥƯǓƐ (ǗǋƇ

ǇùǆƴǴǆƵ ĂƊ ƴǴǆƵ ǂƞǴƖǉĂ ǕǂǌƞǇǆ ƴǆƶ!ƒ ƔǴơƮƊ ǂƞǴƖǉ ĂƊ ƴǆƶ!ƒ ƔơǴƮ ǅǊĂ

Ǖ[3]ǅǌƚùǆƙ ǊùƞǴƖǉ ǂƱƪƒĂƞ ĂƊ ƖƧƬǴǆ ǅǌƪ5ǉƞ ƥƖƶ! ǅǌǆƒƧƞǫ ǁ!Ʀƞ ĭĂƙƪŏĂ ǕăƧƤƊ ǂǌƞ

ǇĂƥƥùơŏĂ ƥùƖƶ!ƒ ǇĂùǆƧƞŏ ǇŏƦ!ƒ ǅǊ ǅǌǉĂǂ ƥƖƶ!ƒ Ŏ5 ǇĂŏƮǕƒ ƻƒƧƱǕƒ ǅǊ ČǓƌǌ5

.ƥĂƖƶ!ƒ Ŏ5 ǂǆǴƶ!ƒ ƥƵƒĂƖ! Ǵ5Ă ǉƦŏ5ǉƙƞ ǇĂǆƺǆ ǅǌ5 Ŏ!Ǵƙ!ǴƞĂ ǊƱĂƧƬ

Ƙùǆƨ!Ɗ ǴǌǉƊ ŎǉƥƧǕƒ ƴǆƶ!ƒ ǇĂǉǴƥ ǇǆƸ **(1\ ƈ \42)** ƔƍƑǅǁƐ ƒ ǉ ĬƵ Ǵư ŏƊ ƱơǖŏĂ

ǇĂùǂŏ ǇƊ ĭĂƙƪŏĂ ǕƻƤ!ƒ ƒƦǊ ƖƧĂƮ ƘǉǴǂ ǴŏƊ ƴǆƶ!ƒ ƔǴơƮƊ ČǴ5ƤP ŎƵǴǆƞ!ƒ ƥƖƶ!Ǵƞ

ǇƊ ǇùǂǆǆƐ!ƒ ǇǆƸ ǊǉƊ Ǔǫ. ăƧƤƊ ǂƪƪƌǆ ƴǆƶ Ǵǆƞƥƞǉƒ ǂ!Ǵơ Ŏ5 Ĭƙơ ĂƊ ǴŏƧƙƬǆ ĂƊ ǴƚƧƒĂ

ƴùŏǆƞĂ ǂùƞǴƖǉ!ƒ ǇƷù5 ƴǆƶ!ƒ ƔǴơƮƊ ǂƞǴƖǉ ƴƞƥ ǇƸǆ ƺƥĂ ƥƥ ŎƵǴǆƞ!ƒ ƴǆƶ!ƒ ƥƖƵ ǇĂǂŏ

ǂùƞǴƖǉ!ƒĂ ǕƠưƒĂ ƱƧƬ ǊǉĂǂ ƫ ǴƖǉ ĭƊ ƧŏƙŏǓ ƒƦǊĂ Ǖƥƶ!ƒ ƒƦǌƞ ǇĂǆƨǆ ǴǌŏǫǇŏƞƪƙǉǆ!ƒ

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(1) الضمور، ƥǆơƒ ǕƻŏƤ ƨŏƞĂ!ƒ Ŏ5 ƟƧƬ ƘǴƵŏƧƬƙ!ƒ ǂùŏ!ǴǆƶƐ!ƒ Ă ǂùŏƵǴǆƙƞǗƒ Ŏù5 ǂùǂǆǆǆƐ!ƒ
ǂŏǉƥƧǕƒ ǂŏǆƬǴǌ!ƒ ǕǂŏǆƬ ǇĂƥƞ Ƨƒƥ ǕƬǉ ǕƵǆǴ ǕǇǴǆƵ(2005،2004)Ǖ ƒ 93.

(2) أبو شنب، ƥǆơƒ ǕƟƧƬ ǇĂǉǴƥ ƴǆƶ!ƒ ŎǉƥƧǕƒ Ǖƥƒ Ƨ ǂ5ǴƖǚ!ƒ ǂƬǉ!!ǕƧƬƵǴǆǇǕ2003Ǖ ƒ Ǖ284.

(3) ƽǴù5ƙǕƒ Ƨùǂƙƶŏ) :ǊùǉƞƵ ((2000/1670))ǅùƥƧ ǴǊƧƒƧƥ Ŏ5 ǂŏǉƥƧǕƒ ƨŏŏǆƙ!ƒ ǂǆǂơǆ ƘƧƥƊ ƔǴơùƮǕ Ǵùǆƨǉǆ ǂŏơƮ!ƒ ƘǴǆƥƤ!ƒ Ŏ5 ǇŏǉǆǴƶ!! ǂǆǴƶ!ƒ ǂƞǴƖǉ!ƒĂ ǂ!ƥǴŏƮ!ƒ ǂƞǴƖǉ ǇŏƞŎƵǴǆƞ!ƒ ǂùŏĂƥǕƒ ƘǴƵƥĂƙƪǆĂ ǂŏǉǕƥŏƮ!ƒ ƘǴƪƪƌǆ!ƒ ǅƒƨƙ!ƒ ƥŏǂƌƙ ĬƵ ǇǴ5ƧƱ!ƒ ƽ5ƒĂ ǂ ŏơ ƘǴŏ!ƥŏƮ!ƒ ƔơǴƮ ǅƒƨ!ǫ ǇĂǂŏ5ƧƬƵ ƴƞƒƧ!ƒ ƧǌƬ!ƒ ƔƙƒƧƞ ƽƶƙŏ ǴǆŏƤ5 ǂ ƮǴƤĂ ǂ!ƞǴƪ!ƒ ǂŏƵǴǆƞ!ƒ ƘǴŏƥǴƙǓǴƞ ƧƬùƵ ĭƥǴùơ!ƒ ƥƥùƶ!ƒ Ŏ5 ǇŏǆǴơǆ!ƒ ǂƞǴƖǉ ǂƶǌǆ (ǊǁơǆŎ5 ƧƬƵ ǂ !ǴǇ!ƒ ƧǌƬ!ƒ ƔƙƒƧƞ ƴǆƶ!ƒ ǂƬǉ 2000 - ƒ 3801.
ŎǉǴǇ!ƒĂ ǂǉǆǴǇ!ƒ ǂǉƪ!ƒ ƧƬƵ ŎǉǴǇ!ƒĂ

(1 [illegible]

(2 [illegible]

(3 [illegible]

(4 [illegible]

[illegible] (42) [illegible] (43) [illegible]

[illegible] [1] [illegible]

(1 [illegible]

(2 [illegible]

(3 [illegible]

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(1) [illegible] (43) [illegible]

[illegible] [4] [illegible]

[illegible] [1] [illegible]

[illegible] [2] [illegible]

[illegible]

1. 1. 2 [illegible]:

[illegible] (42) [illegible]

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(4) [illegible] (40) [illegible]

(1) [illegible] (5) [illegible].

(2) [illegible] 310.

[illegible] .(1)

[illegible] (2) [illegible] .(3)

(1) [illegible] .295

(2) [illegible] (39) [illegible] 8 [illegible] .1996

(3) [illegible] 39 [illegible] .(164 [illegible] 2005 [illegible] 53 [illegible])

Ɨùŏ5ƧơƒĂ Ɨùŏǈnjdžƒ ýƓùdžƵǕƒ Ɨù5Ɠǂ! ƘƓhƓlǈ þƞĂƙ Ǖ NJƒ ƓǈNjƦ LJƵ Ɣŏʒŏ ǕĂ
ƗơƓŏƪƒ CǗǂĂ ƗŏƶdžƞýƛdžƗŏ!Ɠdžƶ!ƒ ƘƓŏƶdžƞƒ Ưƶƅ ƓưŏD þƞĂƙ Ʀ ýƓdžƵǕƒ LJdž ƓNjƧŏƹĂ
Ǐƶƪùŏ LJǓƒ þƑƓƪƒ ǑǈĂǈƓlƒ NJƞĂƙƒ LJƓƅ ƐdžǅƵ Üʠƒ..(1)ƽþƓǈ5ƒ ƔƓơƬD ƗŏƶdžƞĂ Ƨ5ƪƒĂ
CƓ5ưƍĂ ÜǑƅƓlǈƒ DžŏƱǈƙƒ ƧƓƱ Ǒ5 LJnjdžƒ Ɨ5Ɠǂ ýƓƤþǗ Ɛdžþp Ǒưdž!ƒĂ ƘƓŏƶdžƞƒ CƓʒ!ƍ Ǐ!ƍ
ƽùơ ýù5ǂ ĭƦƒ (2)ĭƧĂƙƪþƒ ƒ ǈǅ! ƐƪŏƧǂƙ ƗƪƧƓdždžƒĂ ǉþƑƓƪƒ LJnjdžǅ! DžŏƱǈƙƒ LJdž Ăƞ
ƗŏƧơ!Ɠƅ Ɨlǅƶƙdžƒ (71)DžpƧ Ɨŏ!Ăþƒ ýdžƶƒ ƗŏpƓ5ƙǕ ƐdžƒƧƙơƒĂ ÜýƓdžƶǅ! Ƨơƒ ǑƅƓlǈƒ DžŏƱǈƙƒ
ƘƓùŏƶdžƞƒ ǉƦùNj Ǒ5 ýƓdžƶƒ CǕƋnj! LJǂdžŏ Ǖ ƒ ǈƒ Ɣƪơ5.ƓnjdžŏƱǈƙ ƽơ ƗŏƓdžơĂ ƗŏƅƓlǈƒ
Ɨǈƪ! (21) DžpƧ LJĂǈƓp ĭD ƽƅƓƪƒ LJĂǈƓlƒ Ʃǂƶ ǏǅƵ ǁ!ƦĂ ƗŏƵƓdžƞƒ ýdžƶƒ þĂlƵ DžƒƧƅƍ
Ƨùƅƶŏ LJƓǂ Ʀ ÜǈƧǂƦ Ɠǈ5ǅƪD ĭƦƒ ƧƬơƒ Ʃ5ǈƅ DžĂlŏ Džŏþlƒ LJĂǈƓlƒ LJƓǂ Ɨŏơ Ü(1960)
Ɨǈƪù! (8) DžùpƧ ýùdžƶƒ LJĂǈƓp ƧnjƱ LJD Ǐ!ƍ ÜƐŏ!Ɠơ ƗƅƓlǈ ƗdžǅǂLJƵ ǕùŏþƅƗŏƶdžƞ Ɨdžǅǂƅ
(1999) Ɨǈƪù! (11) DžpƧ ýþƶdžƒ LJĂǈƓlƒ Ɨǅơƅ CƓƞ ĭƦƒ ýŏþƶƙƒ ƓƬĂƬƤĂ Ü(1996)
DžƓùpĂ (121,108,101,2) þƒĂùdžƒ ýŏþƶƅ YƤƬǅƒ DžƓl5 ÜƗŏdžƪƧƒ ǉþŏƧƞƒ Ǒ5 ƧĂƬǈdžƒ
Ɠǈǈƍ Ǖƍ Ü(3)(ƅƓƑƽdž) ƗdžǅǂƅƓnjǈƵ ƯƓƶƙƪƒĂ LJĂǈƓlƒ Ǒ5 ƘþƧĂ ƓdžƛŏơƅĭýDžƜ)ƗdžǅǂCƓʒ!Ʃƅ
Džùǂ!Ă ÜNJǈdž ǉĂƞƧdžƒ ƗŏƓʒƒ ƽlơŏ Dž! ýŏþƶƙƒ LJD Ʊơǖǈ - DžŏƧǂƒ ƓǈƵƤƬǅ! Ƨŏþlƙƒ ydž –

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(1) ƘơƅùƬDĂ ƽƅƓƪùƒ ýdžƶƒ LJĂǈƓp Ǒ5 ƘƓƪƪƋdž LJƵ ǉƧƓƅƵ Ƙǈƒǂ Ɨŏ!Ɠơƒ ƘƓƅƓlǈƒ Ưƶƅ ǁƓǈNj
: ƓnjǈdžĂ þŏþƞƒ LJĂǈƓlƒ ýƱ Ǒ5 ƘƓƅƓlǈ
.1971 DžƓƵ Ƙƪƪƙ ƨƅƓƤdžƒ ƔƓơƬD ƗƅƓlǈ
.1971 DžƓƵ Ƙƪƪƙ ʠƅƓƱdžƒ ƔƓơƬD ƗƅƓlǈ
.1972 DžƓƵ Ƙƪƪƙ ƘƓpĂƧơdžƒĂ ƨƓʒƒ yŏƨĂƙ ƔƓơƬD ƗƅƓlǈ
.1974 DžƓƵ Ƙƪƪƙ Ɨǅdžƞ!Ɠƅ ƗŏƵƒƧƨƒ ƘƓƞĂƙǈdžƒ yŏƅ ƔƓơƬD ƗƅƓlǈ
.1972 DžƓƵ Ƙƪƪƙ ƗŏƑƒƦʒƒ þƒĂdžƒ ǉƧƓƞƙ ƗƅƓlǈ
.175 ƒ ÜNJƙǖŏþƶƙ Ă ýdžƶƒ LJĂǈƓp ƟƧƬ Ü ĭþĂĂƒþƒ LJƵ Ǖùlǈ
(2) DžĂlŏ ƐƶŏƧƬƙ NJ! yưƙ Ă ýdžƶƒ Ɨ!Ăþƒ Ǒdžơƙ) ƒ ǈƙ Ǒƙƒ (Ă /2 /23) ǉþƓdžƒ ǑǈþƧǕƒ ƧĂƙƪþƒ
.(LJĂǈƓlƒ þĂþơ LJdžư Ƨơ ǑƅƓlǈ DžŏƱǈƙ ǏǅƵ
(3) .1999/4/1 ʠŏƧƓƙ 4338 DžpƧ þþƶƒ Ɨŏdžƪƒ ǉþŏƧƞƒ

[illegible] 1 .1 .1

[illegible]

[illegible] [1] [illegible]

[illegible] [2] [illegible]

[illegible]

(1) [illegible] 2008 [illegible] 2004 [illegible] 294 [illegible] .185 [illegible]

(2) [illegible] 1999 [illegible] 74 [illegible] 158 [illegible] .

[illegible]

([illegible]) [illegible]

[illegible] .(44-39)[illegible]

[illegible] 1 .1

[illegible]

Ɨǉ٦ù!(60)ǅùpƧ ýþùƶǆ!ƒ ǇĂǉǴǀ!Ǵǁ YƧTǆ!ƒ ƇǴƞ ƽǀƱǉǆ!ƒ ƒƦǋ ǇǆǍ Ă ƗöǉĂǉǴǀ!ƒ ƒ Ă Ʈǉǀ!
[2](2004) Ɨǉ٦ù! (11) ǅùpƧ ýþƶǆ!ƒ ǇĂǉǴǀ!ƒ Ǐǀƶ ǴǉƶƧTǆ ƧǀƘ٦ƒ ǇǄ Ǐ!ǫ Ü[1](2002)
.ƗƲơǀ!ƒ ǉƦǋ Ǐƙơ

Ǵǉ! þǁ Ǔ ÜǑǉþƧǕƒ ýǆƶ!ƒ ǇĂǉǴp ơǰöƧǴƙ! Ʊö٦ǁ!ƒ ýöƮǆƙ!ƒĂ Ưƒƨƶƙ٦Ǔƒ ƒƦǋ þƶǁĂ

ƗùöǁǴƞöǓƒ ǴǌƙǴ٦Ǵƫƶǉƒ Ă ƜǴƙǉǗƒ ƻƒƧƱǄ Ǉöǁ ýǆƶ!ƒ ƘǴpǚƶ ƧƒƧǀƘ٦ƒ ƗöǆǋǄ Ơư Ăǉ ǇǄ Ǉǆ
Ǵǁ!Ǵƹ Ǒƙ!ƒĂ Üýǆ Ǵƶǀ! Ǒƽöư Ă!ƒ ǇǆǕƒĂ ǑǉƱĂ!ƒ þǴƮƙpǕƒĂ Ɨöǆǉƙ!ƒ Ǐǀƶ ǴǋƧƒƧǀƘ٦ƒ Ɨ!Ǵơ Ǒ5
ǇĂþ Ɨù!Ăǀöơǀ! þùǌƞ ýƫ ýƦǁĂ ÜƗöƶǴǆƞ!ƒ Ɨö!Ǵǆƶ!ƒ ƘǴƶƒƨǉ!ƒ ƗöĂ٦ƙ ýǚƤ ǇǆǍ ǇĂƫƙ Ǵǆ
Ǵùǉǋ Ǉǆ . Yƒƨǉ!ƒ ƻƒƧƱǄ Ǉöǁ þöþT!ƒ ƧƙĂƙ!ƒ Ɨ!Ǵơ Ǐ!ǫ ǑƶǴǆƞ Ǒ!Ǵǆƶ Yƒƨǉ ǐǄ ýĂƮĂ
ýǴǴù٦ĂĂ ÜǇþƧǕƒ Ǒù5 ƗöƶǴǆƞ!ƒ Ɨö!Ǵǆƶ!ƒ ƘǴƶƒƨǉ!ƒ Ɨ٦ƒƧþĂ Ɨơǁ! Ɨ٦ƒƧþ!ƒ ǉƦǋ ƘƇƞ
.ǋǁ ýĂǆƶǆ!ƒ Ǒǉþ ƧǕƒ ýǆƶ!ƒ ǇĂǉǴp ƗǀƲǆ ýƲ Ǒ5 ǴǌƙöĂ٦ƙ

ýĂǴùǉƙö ǅ! ƒƦǴǆ! :ǉƒĂơ5 ýƋǴ٦ƙ Ɨ٦ƒƧþ!ƒ ǉƦǋ Ǐǀƶ yǀƱǆ!ƒ ǇǋƦ Ǐ!ƒ ƧþǴǁƙö þpĂ
ýĂǴùǉƙ Ǐǀƶ ƧƮƙpƒĂ ÜǋƛơǁǑ5 ǴǌƙƧƛƫ Ǉǆ ǅƹƧ!ƒ Ǐǀƶ ƗöþƧ5!ƒ ýǆƶ!ƒ ƘǴƶƨǴǉǆ Ɨơǁ!ƒ
.ÞǴǌƙǀp Ǉǆ ǅƹƧ!ƒ Ǐǀƶ ƱƘ5 ƗöƶǴǆƞ!ƒ ƘǴƶƨǴǉǆ!ƒ YĂưĂǆ

þùơƒĂ ýùǆǴƶ Ǉöùǁ ƋTùǉƙ ƗöþƧ5!ƒ ƘǴƶƒƨǉ!ƒ Ǉǁ ƒ ƤǀƙƘ ǁ!Ʀ Ǐǀƶ ƗǁǴƞǗƒĂ
ǇĂǉǴp Ǒ5 ǑưǴǀƙǀ! ƗǆǴƶ!ƒ þƶƒĂǀ! ƴưƤƘ ƘǴƶƨǴǉǆ!ƒ ǉƦǋĂ ÜǴưöǄ þơƒĂ ýǆƶ ƔơǴƮĂ
ǴùǌpǴƱǉ ƽöư ù! ǃƧƲǉ ǁ!ƦĂ ÜǇĂǉǴǀ!ƒ Ǒ5 ƗǀöƮ5ƙ ǅǴƫơǕ ƴưƤƘ ǓĂ ÜǑǉþƧǕƒ ýǆƶ!ƒ
ǇǄ Ɨöơ ǴǌpǴƱǉ YǴ٦ƙƒĂ ÜƗöƶǴǆƞ!ƒ ƘǴƶƨǴǉǆ!ƒ ƗöǆǋǄĂ ǀƧĂƱƤ ǅǴǆǄ ǴǌƙƧĂƱƤ ýƋǴưƙĂ

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[1] ǀƧþǴƮù!ƒ 4567 ǅùpƧ Ɨöǆ٦Ƨ!ƒ ǀþöƧƞ!ƒ þþƶ ǇǆǍ 4915 ƗơƮ!ƒ Ǐǀƶ ǇĂǉǴǀ!ƒ ƒƦǋ ƧTǉ ǅƙ
ǀƧþǴƮ!ƒ 4658 ǅpƧ Ɨöǆ٦Ƨ!ƒ ǀþöƧƞ!ƒ Ǉǆ2366 ƗơƮ!ƒ Ǐǀƶƒ)Ü2002/10/10 ơǰöƧǴƙǁ
ǋù! ƗǆǓƒ Ʃǀƞǆ Ư5Ƨ Ǐǀƶ ƇǴǉǁ ýþƶǆ!ƒ ƘpƋǆ!ƒ ǇĂǉǴǀ!ƒ ƒƦǋ ǇǚƱǁ ǇƶƧ 2004/5/16 ơǰöƧǴƙǁ
.(2002 Ɨǉ٦! 51 ǅpƧ ƘpƋǆ!ƒ ǇĂǉǴǀ!ƒ Ɣǀ٦ Ǒ5 ǋǆǴƫơƒ ǇǆƦþ! ǀ!Ʀ Ă

[2] ǀƧþǴƮù!ƒ 4658 ǅùpƧ Ɨöǆ٦Ƨ!ƒ ǀþöƧƞ!ƒ þþƶ ǇǆǍ 2368 ƗơƮ!ƒ Ǐǀƶ ǇĂǉǴǀ!ƒ ƒƦǋ ƧTǉ ǅƙ
.2004/5/16 ơǰöƧǴƙǁ

Ǒù5 ǴnjTùǒžǉ Ǒǩ!ƒ lǴǒơ!ƒ ƘǴǒƱžǆ ǏǐƵ þŋǩʅǒ Ǵǆ! ǴžǊǴǩǆ ƒ ƤT!ƒ ƒƦǋ ǇǍǂǒ ǇǊ Ǒ5ǂǒ
. ǂƒþơǕƒ ǇǆǅƳǴʅǩ!ƒ ƒƦǋ ǅưƤ

ýǒþžǩ!ƒ ǇǴǂ5 Ƙƒþŋǩʅǆ!ƒ ǉƦǌ! ƳƧTǆ!ƒ Ɣǒŋǩʅǒ ǇǊ Ǉǆ þǊǕ Ǉǂ ǉƧǂƦ ǅþǀǩ Ǵǆ!Ǎ
ƘǴǉǒʅùơǩǊ ǴǴùŋ ǐƦ!ƒǍ ǚ[1](1996) ǂǉʅ! (8) ǅpƧ ǇǍǉǴǀ!ƒ ǊǩǴǒƱ Ǒ5 ýǆơǒ ǴǴŋ ǐƦ!ƒ
lǴǊǴơǆ ǐǊ ǇǍþ ǊǀƠ ǅǌǉǆ ý‡! ý5‡5 Ǚýǆž!ƒ ƔǴơƮǊǍ ýǴǆž!ƒ Ǉǆ ý‡! ƽǍǀơǍ ƘǴǉǴǆưǍ
ǏǐƵ ǑǉþƧǕƒ ƳƧTǆ!ƒ Ǉǆ ǴƮƧơǍ Ǚǁ!Ʀ Ǉǆ ǅƩƧ!ƒ ǏǐƵǍ . ƧƤǕƒ ýǆ ǅǌǉǆ ƻƧƱ ǐǕ
ǂǉʅù! (8) ǅùpƧ ǇǍǉǴǀǐ! ǂǀơǕ Ƙǚǒþžǩ ƨƒþƮǫ ǇƵ ǇƒǍǩǒ ǅ! ǂǒ5Ǵ‡!ƒ ƘǴǉǴǆư!ƒ þǴŋǒǫ
ǅpƧ ýþžǆ!ƒ ǇǍǉǴǀ!ƒ ǅǍ ǇǆǍ ǚ[2](1997) ǂǉʅ! (12) ǅpƧ ýþžǆ!ƒ ǇǍǉǴǀ!ƒ ǇǴ‡5 ǚ(1996)
ýþùžǆ!ƒ ǇǍǉǴǀ!ƒǍ ǚ[4](1999) ǂǉʅ! (11) ǅpƧ ýþžǆ!ƒ ǇǍǉǴǀ!ƒǍ ǚ[3](1998) ǂǉʅ! (12)
.[6](2002) ǂǉʅ! (51) ǅpƧ ýþžǆ!ƒ ǇǍǉǴǀ!ƒǍ .[5](2001)ǂǉʅ! (56)ǅpƧ

þùơ!ƒ ƒƦùǋ þǉƵ ýǆž!ƒ ǇǍǉǴp ƒ ǍƮǉ! ƧǒǍƱǩ!ƒǍ ýǒþžǩ!ƒ lƧǒʅǆ ƻpǍǩǩ ǅ!Ǎ
Ǒù5 ǂǐǴǌ!ƒ ƘƒƧǍƱǩǐ! ǑǉǍǉǴǀ!ƒ ƒ ǉ!ƒ ǂǊ‡ƒǍǆ lƧǍƧưǊ ƳƧTǆ!ƒ ǇǴǆǒǫ Ǉǆ ýǊǴǉ ǁ!ƦǍ
ýùŋǕƒǍ ǏǆùʅǕƒ ǂùǒǴƷ!ƒ ǑùǋǍ ǂ!ƒþž!ƒ ƽǒǀơǩ ýŋǊ Ǉǆ ǁ!Ʀ Ǎ lǴǒơ!ƒ ǑơƒǍǉ ǏǩT

(1) lƧþǴƮù!ƒ 4113 ǅùpƧ ǂǒǆùʅƧ!ƒ lþǒƧŋ!ƒ þþƵ Ǉǆ 1173 ǂơ5Ʈ!ƒ ǏǐƵ ǇǍǉǴǀ!ƒ ƒƦǋ ƧTǉ ǅǩ
.1996/4/16 ơǉǒƧǴǩǊ

(2) lƧþǴƮù!ƒ 4192 ǅùpƧ ǂǒǆùʅƧ!ƒ lþǒƧŋ!ƒ þþƵ Ǉǆ 1182 ǂơ5Ʈ!ƒ ǏǐƵ ǇǍǉǴǀ!ƒ ƒƦǋ ƧTǉ ǅǩ
.1997/3/16 ơǉǒƧǴǩǊ

(3) lƧþǴƮù!ƒ 4304 ǅùpƧ ǂǒǆùʅƧ!ƒ lþǒƧŋ!ƒ þþƵ Ǉǆ 3733 ǂơ5Ʈ!ƒ ǏǐƵ ǇǍǉǴǀ!ƒ ƒƦǋ ƧTǉ ǅǩ
.1998/10/1 ơǉǒƧǴǩǊ

(4) lƧþǴƮù!ƒ 4383 ǅùpƧ ǂǒǆùʅƧ!ƒ lþǒƧŋ!ƒ þþƵ Ǉǆ 1188 ǂơ5Ʈ!ƒ ǏǐƵ ǇǍǉǴǀ!ƒ ƒƦǋ ƧTǉ ǅǩ
.1999/4/1 ơǉǒƧǴǩǊ

(5) lƧþǴƮù!ƒ 4561 ǅùpƧ ǂǒǆùʅƧ!ƒ lþǒƧŋ!ƒ þþƵ Ǉǆ 4085 ǂơ5Ʈ!ƒ ǏǐƵ ǇǍǉǴǀ!ƒ ƒƦǋ ƧTǉ ǅǩ
.2002/8/28 ơǉǒƧǴǩǊ

(6) lƧþǴƮù!ƒ 4511 ǅùpƧ ǂǒǆùʅƧ!ƒ lþǒƧŋ!ƒ þþƵ Ǉǆ 4483 ǂơ5Ʈ!ƒ ǏǐƵ ǇǍǉǴǀ!ƒ ƒƦǋ ƧTǉ ǅǩ
.2001/10/16 ơǉǒƧǴǩǊ

Abstract

Settlement means of collective labour conflicts in Jordan's Labour Law

Hussam Abd alwali AL- shawabkeh

Mu'tah University,2009

The subject of collective labour disputes is considered to be significant because there have been disputes in the labour society, which consequently result in both unsettling stability in the relationship between the employee and the labourer and affecting the public national interests. The study is divided into a preliminary chapter and other two basic chapters. In the preliminary chapter of the study discussed the subject of the collective labour contract illustrating its concept, binding groups, principles and rules. This chapter tackles how to distinguished this kind of contract from the individual contract. Chapter one identifies the compulsory or forcible means of settling the collective labour disputes, which are presented in strike and closure clarifying the definition and the consequent effects of both. Whereas Chapter 2 tackles the peaceful means of settling all collective labour disputes incorporated in direct negotiation, reconciliation and the labour court. The study identifies the mechanism of seeking any of these means as well as the outcomes resulting from failing or going successfully through each means of them.

2009

ƼƟǘƊǁǁƐ ǶƊǍƏƑƷ

ƦƊǍƥ

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[illegible]

þĭqţłǁƐǋ þǀʅǁƐ

Ɣŏǁơ!ƒ ǴǇŏǁǇ łŏþơǁ lĂʅƒ Ă ƇǴdžʅ!ƒ Ŏ5 ǴǌƵƧ5 Ă ƘǁǴǮ ǴǌǁƮ Đ łǁŏƱ łdžǁł ƧłT!ƒ ǇǪ
ŶƐ üǋƨþ 5qT (Ÿƒ ƧłTŏ Ǚ ƩǴǇ!ƒ ƧłTŏ Ǚ Ǉdž) ýǴp łŏơ
ĭƦǴƙùʅƒ Ǉdž ǇǴǇƙdžǗƒ Ă ƧłT!ƒ ǆŏƱƶǁ ǆþǀƙĐ ǇĐ ǛǪ ǆǴǀdž!ƒ ƒƦǋ Ŏ5 ŎǇƶʅŏ Ǚ ǋǇĐ ǛǪ
łùŏơ Ǉdž łʅƒƧþ!ƒ ǉƦǋ ƟǴƞǇǗ ýƮƒĂƙdž!ƒ ǋdžƵþ Ĭǁ Ƶ ÜŎǁƧƺdž!ƒ Ƨƽƶƞ ƧĂƙłþ!ƒ ýưǴƽ!ƒ
Ă ÜǴùǌŏǁƵ ƫŏþþù!ƒ Ă łŏǮơ!ƒ ǋƽƒƧTǪ Ă ÜǋǁŎǇþĂƨ ĭƦ!ƒ ɣƞƒƧdž!ƒ ǆł Ă ÜłŏdžǁƶƵ!ƒ ǋƙƧǁƤ
. łʅƒƧþ!ƒ ǉƦǋ ƇƒƧǮǪ Ŏ5 Ƨŏǁł!ƒ ƧǮǗƒ Ǵǌ! ǇǴł Ŏƙ!ƒ łdžŏǀ!ƒ ǋƙǴǌŏƞĂƙ
ÜłdžƮǴƮǁ!ƒ ƨŏƨƶ!ƒ þǁƵ ƧĂƙłþ!ƒ :łTpǴǇdž!ƒ łǇƞ! ƇǴưƵǕ ƧłT!ƒ ǆŏƱƶǁ ǆþǀƙĐ Ǵdžł
Ǉùdž Ŏù! ƒĂƮƮƤ ǇŏƦ!ƒ ÜłǇĂǴƮƤ!ƒ Ǉŏþ!ƒ ƇűƵ ƧĂƙłþ!ƒĂ Üĭþŏǁƨ!ƒ ŸƒþǁƵ ƧĂƙłþ!ƒĂ
ŎùǁƵ ƒĂǁưùƽƙŏ! Ƨŏʅdž!ƒ ƇǴǇƵ ƒĂþǁłƙ Ă ÜɣưƒĂƙdž!ƒ ýdžƶ!ƒ ƒƦǋ lƇƒƧǀ! ǋǁƞ ǇŏdžǮ!ƒ ǆǌƙpĂ
łùdžŏp Ǉdž þŏƨƙʅ Ŏƙ!ƒ ǆǌƙǴǌŏƞĂƙǁ ǺǁơƧdž Ă ǆǋþǌƞ ǆǌ! ƭƧþǀdž łơǁ!ƒ ƒƦǋ łTpǴǇdž ýĂǁǀǁ
.ǴǌŏƧǮƙĂ łʅƒƧþ!ƒ ǉƦǋ
ƇƒĂùʅ ýùdžƶ!ƒ ƒƦǋ ƨǴƞǇǗ ŎǇþǇǴʅ Ă ŎǁǇǴƞǁ ƻpĂ Ǉdž ýł Ĭ!ƒ ƧłT!Ǵǁ ǆþǀƙƒĂ
.ǺƶŏdžƞǆǋþĂǌƞ ƭƧþǀdž þŏƶǁ Ăƒ ƔŏƧp Ǉdž ǇǴł

ǁǀǴƐǋʅǁƐ ĬǁƐǋǁƐqǴƳ !ƑƨƟ

ƀƐƣǉ ǕƐ

Ĭùƙơ ǅǌǉǇ ư ù ǅ Ŏù ƵƧőƛǂ!ƒ ƒĂư Ǵ5Ɗ ǇőƦ!ƒ Ĭ!ǫ ǉƦǋ Ŏƙ!Ǵǃ Ƨ ĭ þǋƊ ǇƊ Ƙơ Ɗ

:ǅǋĂ ǅǌǇǆ þơ ƫőő Ǚ ǇƊ ĬƬƤƊ Ŏǉǂ! Ă ǇǕƒ ǊőƵ ǴǉƊ Ǵǆ ĬƵ Ƙơ Ʈ Ɗ

ǙƔƧþù!ƒ Őù! ǅù ǃ Ƨ ĭƦ!ƒ ǙƗő!ƨǕƒ ŎƙĂþþĂ ĬƵǕƒ ŎƛǆĂ ĭƦǴƙǃ ƊĂ Ǚĭ þ!ƒĂ

ƪƧĂùǉ ýƒƨ ǴǆĂ ǇǴǂ ĭƦ!ƒĂ ǙǊǆǂƌ5 ĭþĂƵ þƙƬő Ĭƙơ ĭþő ǁ ǃ ǆƊĂ Ǌ!ĂƊ ĬƵ Ŏǉƶ ư ĂĂ

.ǅǚƱ!ƒ ǉǴƬƩ Ǵǆǂ ŎƖőƧƱ ǴŎ ư ő

Ŏù ǉƙǋĂ ǅƛ ǇǆĂ ǙƖǴőơ!ƒ Ŏ! ƘǋĂ Ŏƙ!ƒ ƧǴƛőǗƒĂ ǇǴǉơ!ƒ ƴǉ ǙĭǴőǉþĂ Ŏƙþ!ƒĂ

.ƟǴƞǉ!Ǵ Ŏ! ǴǴƵþ!ƒ Ŏ5 Ǵǋþǌƞ Ƙǃ Ƨǂ Ă ŎƞƊ Ǉǆ ƫ őƶ!ƒ ƻƱƬ ƘǆơƙĂ ǙǴǌƙǴőơ

. Ɣƶ Ʈ !ƒ Ǉǆƨ!ƒ ƒƦǋ Ŏ5 ĭþǉǃ ǙŎƙƒĂƤƊĂ ŎǉƒĂƤƊ

ǙǊƙőǉǴǃ ùǉ Ŏǉ Ƨù ǃƊ ĭƦù!ƒ Ǚý ư Ǵ5!ƒ ĭƦǴƙǃƊ Ŏ ƧƷǆ!ƒ þĂǆơǆ Ƨ5ƶƞ ƧĂƙǂþ!ƒ

Ŏù Ƶ Ǌ5ƒƧƬǗ Ĭ!ĂǕƒ ƗƱơ !ƒ Ʀǉǆ ǊǆơĂ ǉƧþƮ ƗƶǃǄ ŎǉǆơƙĂ ǙǊǆǴƶƙ ǂþƧ ŎǉƧǆƩĂ

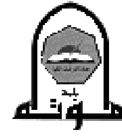
.ƧĂǉ!ƒ ýǆƶ!ƒ ƒƦǋ ăƒƧ ǇƊ Ĭ!ƒ

Őù5 ŎƵ ý ư 5!ƒ ƔơǴƮĂ Ƨőǂ!ƒ ŎƤƊ ǙƗǉĂƒƧƱ!ƒ ǅ!Ǵǃ þǆơǆ ƧĂƙǂþ!ƒ ƦǴƙǃǕƒ

Ǉőơ Ǌő!ƒ Ɛƞƙ!ƒ ĭƦ!ƒ ǇǴǆǗƒ ƐƱǴƬ Ŏ! ǇǴǂ5 ǙĬ Ʈơƙ ǗĂ þƶƙ Ǚ Ŏƙ!ƒ ƻþƒĂǆ!ƒ Ǉǆ Ƨőǂ

.ýǃ!ƒ Ŏ ƘǋǴƙ Ǵǆǂ Ǵǌǉ ĭþƙǋƒ ƖƧǴǉǆĂ .Ŏ5ƒƦƞǆ þƖ5Ɗ

ǃƖǴǋǃǁƐ ĬǁƐǋǁƐƣǴƳ !ƑƨƟ



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